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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,397	12/21/2001	Patrick Zuili	2222.5600000	3617

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
PYZOCHA, MICHAEL J	
ART UNIT	PAPER NUMBER
2437	
MAIL DATE	DELIVERY MODE
06/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/028,397	ZUILI, PATRICK	
	Examiner	Art Unit	
	MICHAEL PYZOCHA	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 May 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,16,20-22 and 40-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,16,20-22 and 40-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2010 has been entered.

2. Claims 1-6, 10-12, 16-22 and 40-51 are pending.

Claim Objections

3. Claims 2, 19 and 41-43 are objected to because of the following informalities: claims 2 and 19 recite the phrase “the second destination application” however there has been no previous recitation of a second destination application. Claims 41-43 are a method dependent from a computer readable medium claim. Appropriate correction is required.

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Claim Rejections - 35 USC § 101

4. Claims 40-43 and 51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 40-43 and 51 relate to a tangible computer readable medium having instructions stored thereon; one of ordinary skill in the art would recognize that this medium can encompass both transitory and non-transitory media. As such, based on the guidance provided by the Official Gazette

regarding Subject Matter Eligibility of Computer Readable Media (see 1351 OG 212) it is recommended to change "tangible" to “non-statutory”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 10-12, 16-20, 40, 42, 45 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al. (US 20010000265) in view of Garcia (US 7178033).

As per claims 1, 16, and 40, Schreiber et al. discloses restricting use of a clipboard application by a method, the method comprising: determining and receiving a copy selection associated with designated content of a source file being displayed by a first source application (see paragraphs [0136] and [1037]); determining whether the data is protected data (see paragraph [0137]) and storing the designated content to the clipboard application (see paragraph [0138]).

Schreiber et al. fails to explicitly disclose determining that the source file is a secure file, wherein the secure file includes a header requiring a file key obtained by an authenticated user to access the protected file.

However, Garcia teaches determining that the source file is a secure file, wherein the secure file includes a header requiring a file key obtained by an authenticated user

to access the protected file (see column 12 lines 18-31 and column 13 lines 16-19 and lines 40-44 see also pages 19-20 and Fig. 4C of the provisional for support of these citations).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determine whether the content can be used and to require a user to be authenticated to obtain a key to gain access.

Motivation to do so would have been to allow the document to have different security levels (see Garcia column 12 lines 18-31).

As per claims 2-4, the modified Schreiber et al. and Garcia system discloses receiving a copy and paste selection to provide the designated content to the destination application (see Schreiber et al. paragraph [0138]).

As per claims 10-12, 17-19, 20, 42, 45 and 47-51, the modified Schreiber et al. and Garcia system discloses preventing subsequent usage of the designated content in a second destination application via the clipboard application in response to determining that the source file is a secured file (see Schreiber et al. paragraph [0137]); storing predetermined content to the clipboard application instead of the designated content in response to determining that the source file is the secured file (see Schreiber et al. paragraph [0137], i.e. the substitute data); storing the designated content to the clipboard application in response to determining that the source file in not the secured file (see Schreiber et al. paragraph [0137]) and returning the stored content (either designated content or substitute data) in response to a paste command (see paragraph [0138]).

7. Claims 5-6 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schreiber et al. and Garcia system as applied to claims 1 and 20 above, and further in view of Adobe Acrobat 5.0 released 12 March 2001 as evidenced by “Adobe Acrobat 5.0 User's Guide for Chambers".

As per claims 5-6 and 21-22, the modified Schreiber et al. and Garcia system fails to explicitly disclose said determining operates to determine that the source file is a secured file based on security information provided by the source application.

However, Adobe teaches such a determination (see Adobe pages 28-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determine whether a file is secure by information provided by the source program in the modified Schreiber et al. and Garcia system.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been to ensure an application capable of reading the secure file makes the determination thereby increasing security.

8. Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schreiber et al. and Garcia system as applied to claim 51 above, and further in view of Yasuda (US 20020052981).

As per claim 41, the modified Schreiber et al. and Garcia system discloses storing substitute content to the clipboard (see Schreiber et al. paragraph [0137]) but fails to explicitly disclose storing scrambled content to the clipboard application in place of the designated content when said determining determines that the source file is a secured file.

However, Yasuda teaches replacing information on a clipboard with scrambled predetermined content when the file is a secure file (see paragraphs [0134]-[0141]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store blank content in the clipboard when the source file is the secure file of the modified Schreiber et al. and Garcia system.

Motivation to do so would have been to prevent the original data to be displayed (see Yasuda paragraphs [0134]-[0141]).

As per claim 43, the modified Schreiber et al., Garcia system and Yasuda system discloses storing the designated content to the clipboard application when said determining determines that the source file is not a secured file (see Schreiber et al. paragraph [0138]) and providing either the scrambled content or the designated content based on the files security (see Yasuda paragraphs [0134]-[0141] and Schreiber et al. paragraph [0138]).

9. Claims 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schreiber et al. and Garcia system as applied to claim 1 above, and further in view of Rubin et al. (US 7281272).

As per claim 44, the modified Schreiber et al. and Garcia system discloses storing substitute content to the clipboard (see Schreiber et al. paragraph [0137]) but fails to explicitly disclose storing scrambled content to the clipboard application in place of the designated content when said determining determines that the source file is a secured file.

However, Rubin et al. teaches replacing information on a clipboard with scrambled predetermined content when the file is a secure file (see column 9 lines 6-12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store scrambled content in the clipboard when the source file is the secure file of the modified Schreiber et al. and Garcia system.

Motivation to do so would have been to prevent the original data to be displayed (see Rubin et al. column 9 lines 6-12).

As per claim 46, the modified Schreiber et al., Garcia system and Rubin et al. system discloses storing the designated content to the clipboard application when said determining determines that the source file is not a secured file (see Schreiber et al. paragraph [0138]) and providing either the scrambled content or the designated content based on the files security (see Rubin et al. column 9 lines 6-12 and Schreiber et al. paragraph [0138]).

Response to Arguments

10. Applicant's arguments with respect to claims 1-6, 16, 20-22 and 40-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is

(571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Pyzocha/
Primary Examiner, Art Unit 2437